

**RESOLUTION #15-04**  
**A RESOLUTION ESTABLISHING THE NUMBER OF ON-SALE ALCOHOLIC**  
**BEVERAGE LICENSES AND THE FEES TO BE CHARGED THEREFORE**

WHEREAS, SDCL Chapter 35-4 grants to counties certain powers to determine the number of on-sale licenses available outside of the corporate limits of municipalities in such county and the fees to be charged for such licenses, and

WHEREAS, by Resolution #00-16, the Brookings County Board of County Commissioners established the number of on-sale licenses at six (6), and

WHEREAS, the population of individuals residing within the county but outside the incorporated municipalities has since increased.

THEREFORE, BE IT RESOLVED, that Resolution #00-16 is hereby rescinded and that no more than seven (7) on-sale alcoholic beverage licenses, as classified by SDCL 35-4-2(6), shall be approved outside the corporate limits of municipalities within Brookings County for the calendar year 2016 and each year thereafter until further resolution by this Board; and

BE IT FURTHER RESOLVED that the initial and renewal fees to be charged for each such license shall be the same fee for a similar license in the nearest municipality to the license location, as established in SDCL Chapter 35-4.

Adopted this 6<sup>th</sup> day of January, 2015.

BROOKINGS COUNTY COMMISSION:



~~Chairperson~~ Vice-Chairperson  
Board of County Commissioners  
Brookings County, South Dakota

ATTEST:



Finance Officer  
Brookings County, South Dakota

Resolution #00 - 16

***Establishing the Number of  
On-Sale Alcoholic Beverage Licenses  
and the Fees to Be Charged Therefore***

WHEREAS, SDCL Chapter 35-4 grants to counties certain powers to determine the number of on-sale licenses available outside of the corporate limits of municipalities in such county and the fees to be charged for such licenses, and

WHEREAS, by Resolution #99-14, the number of on-sale licenses was established at five (5).

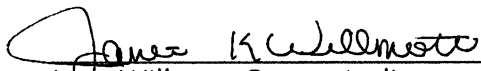
THEREFORE, BE IT RESOLVED, that Resolution #99-14 is hereby rescinded and that no more than six (6) on-sale alcoholic beverage licenses, as classified by SDCL 35-4-2(6), shall be approved outside the corporate limits of municipalities within Brookings County for the calendar year 2000 and thereafter until further resolution; and

BE IT FURTHER RESOLVED, that the initial and renewal fees to be charged for each such license shall be the same fee for a similar license in the nearest municipality to the license location.

Adopted this 18<sup>th</sup> day of April, 2000.

  
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Ray Santema, Chairperson  
Brookings County Commission

ATTEST:

  
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Janet Willmott, County Auditor

## Stacy Steffensen

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**Subject:** FW: liquor licenses

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**From:** Logan, Carol [mailto:Carol.Logan@state.sd.us]

**Sent:** Wednesday, October 29, 2014 11:40 AM

**To:** Stacy Steffensen

**Subject:** RE: liquor licenses

2010 census information I have says the total population for Brookings County is 31,965.

Subtract from that the population of all the incorporated towns in Brookings County:

Aurora – 532

Brookings – 22,056

Bruce – 204

Bushnell – 65

Elkton – 736

Sinai – 120

Volga – 1,768

White – 485

That would leave 5,999

For RL's: 3 for the first 1,000 and 1 additional for each 1,500 or portion thereof.

$5,999 - 1,000 = 4,999$  (3 licenses)

$4,999 \text{ divided by } 1,500 = 3.33$  ( 3 licenses with a bit left over)

The 'bit left over' is what will give you the seventh license.

Hope this helps – let me know if you have further questions.

Carol Logan

Section Coordinator

Special Tax Division

SD Dept. of Revenue

35-4-11.1. County determination of number of on-sale licenses and amount of fees--Number restricted by population--Denial of reissuance--Certain licenses exempted from quotas. If not previously fixed by ordinance or continuing resolution, the board of county commissioners shall, on or before the first of September in each year, determine the number of on-sale licenses it will approve for the ensuing calendar year and the fees to be charged for the various classifications of licenses. The number of licenses issued may not exceed three for the first one thousand of population and may not exceed one for each additional fifteen hundred of population or fraction thereof, the population to include only those residing within the county but outside the incorporated municipalities and improvement districts, created pursuant to chapter 7-25A, within the county. However, any license issued in an improvement district prior to July 1, 2000, shall be included when calculating the total number of licenses that may be issued by the county where the improvement district is located. No licensee regularly licensed to do business on July 1, 1981, may be denied reissuance of a license in subsequent years solely by reason of any limitations, based upon population quotas, of the number of licenses authorized or established under the provisions of this title. Licenses issued to concessionaires, and lessees of the State of South Dakota, within the boundaries of state parks, prior to January 1, 1983, may be subtracted when calculating the total number of licenses permitted in this section. The quotas established in this section do not apply to licenses issued pursuant to subdivisions 35-4-2(12), (16), (17), (17A), and (19).

**Source:** SL 1971, ch 211, § 47; SL 1982, ch 271, § 2; SL 1983, ch 264; SL 1987, ch 261, § 20; SL 1987, ch 262; SL 2000, ch 180, § 2; SL 2001, ch 194, § 3; SL 2010, ch 180, § 28.

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35-4-2. Classes of licenses enumerated--Fees. Classes of licenses, with the fee of each class, follow:

(1) Distillers--four thousand dollars. However, no license fee is required for manufacturers of alcohol for use in industry as a nonbeverage. If the manufacturer of industrial alcohol shall at any time manufacture, produce, distill, sell, barter, or dispose of alcohol for any use other than an industrial use, the license fee required by this section shall be allocated to and payable for the portion of the year the manufacturer devoted to such other use for each calendar month or fraction thereof while so engaged, but in no case less than one-twelfth of the license fee;

(2) Wholesalers of alcoholic beverages--five thousand dollars;

(3) Off-sale--not less than five hundred dollars in municipalities of the first class, not more than four hundred dollars in municipalities of the second class, and not more than three hundred dollars in municipalities of the third class. The renewal fee for such licenses may not exceed five hundred dollars in municipalities of the first class, four hundred dollars in municipalities of the second class, and three hundred dollars in municipalities of the third class;

(4) On-sale--in municipalities of various classes: municipalities of the first class, not less than one dollar for each person residing within the municipality as measured by the last preceding federal census, the renewal fee for such license is fifteen hundred dollars; municipalities of the second class, no more than twelve hundred dollars; municipalities of the third class, no more than nine hundred dollars;

(5) Off-sale licenses issued to municipalities under local option--not less than two hundred fifty dollars;

(6) On-sale licenses issued outside municipalities--except as provided in § 35-4-11.9, not less than the maximum that the municipality to which the applicant is nearest is charging for a like license in that municipality, the renewal fee shall be the same as is charged for a like license in the nearest municipality. However, if the nearest municipality is more than fifteen miles from the on-sale license, the fee shall be established pursuant to § 35-4-11.10. If the municipality to which the applicant is nearest holds an on-sale license, pursuant to § 35-3-13 and does not charge a specified fee, then the fee shall be the maximum amount that could be charged as if the municipality had not been authorized to obtain on-sale licenses pursuant to § 35-3-13. However, if the nearest municipality is a municipality of the first class and is authorized to hold an on-sale license pursuant to § 35-3-13, such fee may not be more than one hundred fifty percent of the minimum a municipality not so authorized may charge for a like license. The renewal fee shall be the same as could be charged for a like license in the nearest municipality;

(7) Solicitors--twenty-five dollars;

(8) Transportation companies--twenty-five dollars;

(9) Carrier--one hundred dollars, which fee entitles the licensee to sell or serve alcoholic beverages on all conveyances the licensee operates within the state unless restricted by local ordinance;

(10) Dispensers--ten dollars;

(11) On-sale dealers at publicly operated airports--two hundred fifty dollars;

(12) Wine retailers, being both package dealers and on-sale dealers--five hundred dollars;

(13) Convention facility on-sale--not less than one dollar for each person residing within the municipality as measured by the last preceding federal census, the renewal fee for such license, in municipalities of the first class, is fifteen hundred dollars; the renewal fee for such license, in municipalities of the second class, is no more than twelve hundred dollars; the renewal fee for such license, in municipalities of the third class, is no more than nine hundred dollars;

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(14) Manufacturers of malt beverages--five hundred dollars;

(15) Wholesalers of malt beverages--four hundred dollars;

(16) Malt beverage retailers, being both package dealers and on-sale dealers--three hundred dollars;

(17) Malt beverage package dealers--two hundred dollars;

(17A) Malt beverage and wine produced pursuant to chapter 35-12 package dealers--two hundred twenty-five dollars;

(18) On-sale dealers in light wine containing not more than six percent alcohol by weight for each day of the week between the hours of seven a.m. and two a.m. to nonprofit corporations established pursuant to chapter 7-7--two hundred dollars;

(19) Off-sale package wine dealers in table wines, sparkling wines, sacramental wine, and distilled spirits produced from product provided to an artisan distiller by the respective farm winery to be operated in conjunction with a farm winery established pursuant to chapter 35-12--one hundred fifty dollars;

(20) Malt beverage retailers, being both package dealers and on-sale dealers, and retailers of wine produced pursuant to chapter 35-12, being both package dealers and on-sale dealers--three hundred twenty-five dollars; and

(21) Retail on premises manufacturer--two hundred fifty dollars.

**Source:** SDC 1939, § 5.0203; SL 1945, ch 17, § 2; SL 1947, ch 19; SDC Supp 1960, § 5.0204 (13), (14) as enacted by SL 1961, ch 14; SL 1964, ch 9; SL 1965, ch 12; SL 1966, ch 10; SDC Supp 1960, § 5.0204 (15) as enacted by SL 1967, ch 6; SL 1968, ch 2, § 1; SL 1970, ch 206, § 1; SL 1970, ch 207, § 1; SL 1971, ch 211, §§ 40, 41, 121; SL 1973, ch 236, § 1; SL 1975, ch 228; SL 1981, ch 270, § 1; SL 1985, ch 291, §§ 1, 3, 4A; SL 1986, ch 300; SL 1987, ch 261, § 16; SL 1988, ch 292, § 1B; SL 1989, ch 312; SL 1990, ch 296; SL 1993, ch 265; SL 1994, ch 285, § 1; SL 1995, ch 207, § 2; SL 2001, ch 194, § 1; SL 2003, ch 190, § 1; SL 2003, ch 191, § 1; SL 2006, ch 194, § 12; SL 2008, ch 182, § 1; SL 2008, ch 183, § 1; SL 2009, ch 48, § 3; SL 2011, ch 172, § 1; SL 2014, ch 175, § 1; SL 2014, ch 176, § 1.

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35-2-1.2. Applications submitted to local governing board--Fee--Approval or disapproval. Any application for a new retail license, except as set forth in § 35-2-1.1, or the transfer of an existing license shall be submitted to the governing board of the municipality within which the applicant intends to operate, or if outside the corporate limits of a municipality, to the board of county commissioners of the county in which the applicant seeks to operate. The application shall be accompanied by the required fee. The governing board may approve or disapprove the application for a new retail license or the transfer of an existing license depending on whether the governing board deems the applicant a suitable person to hold the license and whether the governing board considers the proposed location suitable.

Any application for the reissuance of a retail license may be approved by the municipal or county governing board without a hearing unless in the past year the licensee or one or more of the licensee's employees have been subjected to a criminal penalty for violation of the alcoholic beverage control law or the license has been suspended.

**Source:** SDC 1939, §§ 5.0206, 5.0305; SL 1945, ch 21, § 1; SL 1951, ch 11; SDC Supp 1960, § 5.0204 (14); SL 1961, ch 14; SL 1964, ch 9; SL 1965, ch 12; SDCL §§ 35-4-32, 35-4-33, 35-6-15; SL 1971, ch 211, § 13; SL 2008, ch 37, § 140; SL 2011, ch 171, § 1.

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